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October 4, 1994

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OCT 25 1994

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

The Honorable Reed E. Hundt  
Chairman  
Federal Communications Commission  
1919 M Street, NW, Room 814  
Washington, DC 20554

Dear Chairman Hundt:

I am writing to urge the Commission to proceed expeditiously with a Notice of Proposed Rulemaking directed at the elimination of the "off-network" restriction of the Prime Time Access Rule.

I have worked in the advertising and the broadcast industry for over 30 years. I have held various management positions at television stations in markets ranging from top 10 to 130+. When "PTAR" was first put into law I was working at a major advertising agency and part of my responsibility was obtaining clearances for first run programming produced and sponsored fully by a major automotive manufacturer. I do not believe that the Prime Time Access Rule has ever achieved its intent. I believe it impedes rather than fosters competition. I also believe that the prohibition artificially inflates the prices affiliated stations are forced to pay for programming and creates an economic windfall for a few producers and distributors.

The Commission has received numerous pleadings which fully address this issue. A Notice of Inquiry is not necessary and will only delay the implementation of this needed reform. As we all know, the television marketplace is changing rapidly. I would hope that you will proceed with a Notice of Proposed Rulemaking and that the Commission will act to eliminate this outdated restriction.

Thank you for considering my views.

Sincerely,

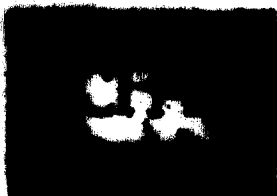


John M. Llewellyn  
President and General Manager

JML:dm

Via facsimile and U.S. Mail

cc: Commissioner James H. Quello  
Commissioner Andrew C. Barrett  
Commissioner Susan Ness  
Commissioner Rachelle B. Chong  
Office of the Secretary



# Consumer Federation of America

94-113  
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OCT 25 1994

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

September 30, 1994

DOCKET FILE COPY ORIGINAL

The Honorable Reed E. Hundt, Chairman  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, DC 20554

Dear Chairman Hundt:

As the Commission contemplates taking action on the Prime Time Access Rule (PTAR) at the October meeting, Consumer Federation of America writes to urge you to move cautiously on this issue.

Recent reports have indicated that the Commission is considering releasing a Notice of Proposed Rulemaking (NPRM) on the PTAR at the October meeting. While we take no position on the substantive issue at this time, we do believe an NPRM is inappropriate at this stage. Rather, it is important that the Commission build a complete record on this issue through a Notice of Inquiry before releasing an NPRM.

The broadcasting industry is in the midst of some fundamental changes in light of the elimination of the Financial Interest and Syndication Rules (FinSyn), the attempts at creating new networks, significant realignment of network affiliates and the emergence of first run syndicated programming. In light of these changes and as the rules surrounding who is eligible to own and produce network programming change, the past policy justifications and the future role of PTAR should be fully and publicly examined by the Commission. We do not believe this kind of review can be done in the context of a rulemaking proceeding.

We are aware of the petitions on this issue now pending before the Commission (MMB File No. 920117A, 870622A; 900118A). These proceedings represent specific attacks on the rule and the comments focus on the specific issues raised, not the underlying policy rationale for continuation, modification or elimination of the PTAR. Before making the preliminary policy decisions necessary to release an NPRM, we believe the Commission and the public interest would best be served by building a complete record.


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CFA urges the Commission to move forward with an NOI on this issue in October to build a complete record. After that record has been compiled, the Commission should then issue its NPRM and commence a rulemaking proceeding. The Commission should not attempt to guess whether the PTAR remains a useful policy. Moving ahead on this issue with an incomplete record would be the equivalent of doing just that.

Very truly yours,



Bradley Seilman  
Legislative Counsel

cc: Commissioner Quello  
Commissioner Barren  
Commissioner Ness  
Commissioner Chong